IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 12312 OF 2026 (GM-POLICE)

BETWEEN:

SMT SHAKUNTHALA
W/O LATE MANI. M,
AGED ABOUT 60 YEARS,
R/AT NO. 193, 4TH CROSS,
BHUVANESHWARI NAGARA,
BANGALORE SOUTH,
SUBRAMANYAPURA,
BANGALORE - 560 061.

...PETITIONER

(BY SRI. MOHANKUMARA D, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF HOME AFFAIRS,
VIDHANA SOUDHA,
BENGALURU - 560 001.

2. THE INSPECTOR GENERAL OF POLICE
MILLERS ROAD, BENGALURU,
KARNATAKA - 560 001.

3. THE CHIEF SUPERINTENDENT OF PRISON
CENTRAL PRISON,
PARAPPANA AGRAHARA,
ELECTRONIC CITY POST,
BENGALURU - 560 100.

Digitally signed by CHAITHRA A
Location: HIGH COURT OF KARNATAKA

4. THE SUPERINTENDENT OF POLICE
MILLERS ROAD, BENGALURU,
KARNATAKA - 560 001.

5. THE STATION HOUSE OFFICER
KUMARASWAMY POLICE STATION
KUMARSWAMYLAYOUT
BENGALURU - 560 061.

…RESPONDENTS

(BY SRI. K.P.YOGANNA, AGA)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENT NO.02 TO CONSIDER THE REPRESENTATION OF THE PETITIONER DATED 07.04.2026 WHEREIN THE PETITIONER HAS SOUGHT FOR RELEASE OF DETENUE NAVEEN M CTP.NO:11478 ON PAROLE FOR A PERIOD OF 60 DAYS VIDE ANNEXURE-A AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

This petition is filed seeking emergency parole on the ground that the petitioner's son in law expired due to heart attack on 04.04.2026. The petitioner's application seeking emergency parole is rejected by the competent authorities. Therefore, the petitioner is before this Court.

2. Heard learned counsel for the petitioner and learned AGA.

3. At the outset, it is apposite to advert to the statutory scheme underlying parole. Section 56 of the Karnataka Prisons Act, 1963 (for short "the Act") vests the competent authority with discretionary power to release a prisoner on parole, *inter alia*, in emergent circumstances such as the death of a member of the prisoner's family or his nearest relative. The provision is clearly benevolent in its object and is intended to subserve humanitarian considerations, enabling a detenue to discharge essential familial and social obligations arising out of unforeseen contingencies.

4. In the case on hand, it is not in dispute that the petitioner's son in law expired due to heart attack on 04.04.2026. The said circumstance, in the considered view of this Court, squarely falls within the ambit of "death of a near relative" as contemplated under Section 56 of "the Act". In the Indian socio-cultural milieu, the role of a brother-in-law in participating in the funeral rites and subsequent ceremonies is neither illusory nor peripheral,

but assumes a position of moral and customary significance. The respondents have not seriously disputed the occurrence of the death nor the relationship between the detenue and the deceased.

5. Therefore, this Court is satisfied that the petitioner has successfully made out a case warranting exercise of powers under Section 56 of the Act. Denial of parole in such circumstances would defeat the very object of the provision, which seeks to humanize the rigours of incarceration by permitting temporary release in deserving cases. Consequently, this Court is of the considered opinion that the detenue is entitled to be enlarged on emergency parole for a limited period of 15 days.

6. In the above backdrop, this Court proceeds to pass the following:

ORDER

(i) The writ petition is ***allowed in part***;

(ii) A writ of mandamus is issued directing respondent No.2 to release the petitioner's son, namely Naveen M (CTP No.11478), on emergency parole for a period of 15 (fifteen) days from the date of his actual release, in exercise of powers traceable to Section 56 of "the Act", subject to the detenue furnishing two sureties to the satisfaction of the competent Authority;

(iii) The release shall be subject to the detenue furnishing an undertaking before the competent authority that he shall maintain good conduct and shall not indulge in any unlawful activities during the period of parole;

(iv) The respondent authorities are at liberty to impose stringent and appropriate conditions, including but not limited to: requiring the detenue to periodically report before the jurisdictional police, regulating his movement, and restraining him from directly or indirectly contacting the victim or the victim's family members;

(v) The detenue shall mandatorily surrender before the jurisdictional prison authorities immediately upon expiry of the parole period, failing which the respondents shall be at liberty to initiate appropriate action in accordance with law;

(vi) Any infraction of the conditions imposed shall entail immediate cancellation of the parole granted under this order;

(vii) The Registry is directed to forthwith communicate this order to the concerned prison authorities, including through electronic mode, to ensure prompt and effective compliance.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

NBM
List No.: 1 Sl No.: 20